

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CONVERGEN ENERGY LLC, et al.,

Plaintiffs,

-v-

STEVEN J. BROOKS, et al.,

Defendants.

Civil Action No. 20-cv-3746 (LJL)

**RESPONSES TO PLAINTIFFS' FIRST SET OF  
INTERROGATORIES (AS AMENDED) TO  
DEFENDANTS HANSEN, MIKKELSON AND  
CONVERGEN ENERGY WI, LLC**

Defendants, Convergen Energy WI, LLC (hereinafter “CEW”), Theodore Hansen and Brian Mikkelson (“**Answering Defendants**”), specially appearing by their counsel, Benjamin LaFrombois and William Fischer of von Briesen & Roper, s.c., submit the following Responses to Plaintiffs’ First Set of Interrogatories (as amended).

**PRELIMINARY STATEMENT**

These discovery responses are made solely for the purpose of, and in relation to, this action. The information supplied in these discovery responses may not be based solely upon the knowledge of the executing individual, but may include knowledge from the corporate Defendant, its agents, representatives and attorneys, unless privileged. The Defendants are engaged in a continuing investigation regarding the matters inquired into by Plaintiffs’ discovery. Therefore, the Defendants reserve the right to amend these responses if new or more accurate information becomes available or if errors are discovered. Furthermore, these discovery responses are given without prejudice to Defendants’ right to rely on subsequently discovered information or on information inadvertently omitted from these discovery responses as a result of mistake, error or oversight. To the extent the information contained herein differs in any material respect from any prior discovery responses, these discovery responses shall be deemed to update and supersede such prior responses to the extent the prior discovery responses may be inconsistent.

**INTERROGATORY NO. 2:** Identify all persons who have or had the ability to access the Office 365 Accounts and Domain Names as an administrator or with similar privileges to view all emails and data.

**RESPONSE TO INTERROGATORY NO. 2:** Objects to this Interrogatory insofar as it is vague and ambiguous and unbounded as to time.

Subject to the above objections and the General Objections, and without waiving any statements therein, persons whom Answering Defendants are currently aware of who have or had the ability to access the Office 365 Accounts and Domain Names as an administrator or with similar privileges to view all emails and data are Brian R. Mikkelsen and representatives of Heartland Business Services and representatives of Marco Technology along with their predecessors. Respecting the convergenenergy.com domain, Libra employees had administrative access to the account housing convergenenergy.com.

**INTERROGATORY NO. 4:** Identify anyone with a current or past financial interest in CEW and any entities in the chain of ownership of CEW, including all current and past members and officers of CEW and any entities in the chain of ownership.

**RESPONSE TO INTERROGATORY NO. 4:** Objects to this Interrogatory on the grounds that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence relating to Plaintiffs' application for preliminary injunction, and is therefore outside the bounds of permissible discovery pursuant to the Court's May 19, 2020 Order.

Subject to the above objections and the General Objections, and without waiving any statements therein, Convergen Energy WI, LLC, Ted Hansen and Brian Mikkelsen state that during the period of January 31, 2020 to the present the sole member of CEW is Nianticvista Energy LLC; Nianticvista Energy LLC's sole member is 4406 Cypress Lane LLC; 4406 Cypress

Lane LLC's sole member is Greg Merle. Based upon reasonable inquiry, Steve Brooks, Clark Kent LLC, Ramon Escandon, and Daniel Inchausti, Chipper Investment SCR, SA, and Javier Bustos may have a financial interest in one or more of the foregoing entities.

Prior to January 31, 2020, the ownership structure of CEW included, Convergen Energy LLC (hereinafter "CE LLC"), which was owned by Convergen Energy, Inc, which was owned by First North American Holdings II. The precise ownership of First North American Holdings II is unknown to respondents. CE LLC was formerly Greenwood Fuels.

Since January 31, 2020 to the date of this response, the officers of CEW are Ted Hansen and Steve Brooks. Greg Merle is manager of CEW.

Immediately prior to January 31, 2020, the officers of CE LLC were Fidel Andueza (President), Bert Diaz (Secretary), and Steve Brooks (Vice President). Immediately prior to January 31, 2020, the officers of CE Wisconsin LLC were Fidel Andueza and Bert Diaz.

**INTERROGATORY NO. 4A:** Describe the current and historical financial relationship of each of the defendants in this action in CEW and in any entities in the chain of ownership of CEW.

**RESPONSE TO INTERROGATORY NO. 4A:** Objects to this Interrogatory on the grounds that this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence relating to Plaintiffs' application for preliminary injunction, and is therefore outside the bounds of permissible discovery pursuant to the Court's May 19, 2020 Order, that the Interrogatory does not identify a time frame, and the term "financial relationship" is vague.

Subject to the above objections and the General Objections, and without waiving any statements therein, Convergen Energy WI, LLC incorporates its answer to Interrogatory No. 4.